

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID A. GABALDON,

Plaintiff,

vs.

No. CIV 18-0522 JB\JHR

U S SECURITY ASSOCIATES, INC. and
WALMART SUPERCENTER,

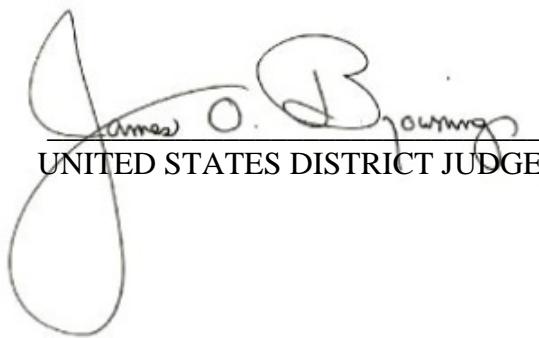
Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on the Complaint, filed June 6, 2018 (Doc. 1).

Plaintiff David A. Gabaldon proceeds pro se. The Honorable Martha Vázquez, United States District Judge, imposed filing restrictions on Gabaldon, stating: “Plaintiff also will be enjoined from initiating further litigation in this Court . . . unless either a licensed attorney who is admitted to practice before this Court signs the pleading or Plaintiff first obtains permission to proceed *pro se*.” Gabaldon v. Sedillo, No. 17-1106, Order Imposing Filing Restrictions at 2, (D.N.M.), filed February 22, 2018 (Doc. 7)(italics in original). Because Gabaldon did not have a licensed attorney who is admitted to practice before the Court sign the Complaint and did not take the required steps to obtain permission to proceed pro se, the Court will dismiss the Complaint without prejudice pursuant to rule 41(b) of the Federal Rules of Civil Procedure. See Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)(noting that rule 41(b) permits “courts to dismiss actions *sua sponte* for a plaintiff’s failure to prosecute or comply with the rules of civil procedure or court’s orders”).

IT IS ORDERED that: (i) the Complaint, filed June 6, 2018 (Doc. 1), is dismissed without prejudice; and (ii) Final Judgment will be entered.



James O. B.ourne

UNITED STATES DISTRICT JUDGE

Parties:

David A. Gabaldon
Albuquerque, New Mexico

Plaintiff pro se